



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,814	11/13/2001	Alistair William McLean	1263.1726	6182

5514 7590 04/09/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NGUYEN, LE V

ART UNIT	PAPER NUMBER
----------	--------------

2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

11

Office Action Summary	Application No. 09/986,814	Applicant(s) MCLEAN ET AL.	
	Examiner Le Nguyen	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 118-142 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 118-142 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to an amendment filed 2/21/07.
2. Claims 118-142 are pending in this application; and, claims 118 and 130 are independent claims. Claims 1-117 have been cancelled; and, claims 118-121, 123, 130, 131, 133, 135, 136 and 142 have been amended.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Oath/Declaration

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

A complete post office address is missing.

Claim Rejections - 35 USC § 112, first paragraph

5. Claims 118-142 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Although the examiner endeavored to find “*correcting* user interface control objects...by using the plurality of desired filters in a user-desired processing order” and “displaying information of the plurality of desired...by interpreting the user interface control objects corrected in said correcting step” of line 7 of claim 118 as well as “said correcting step” of line 2 of claims 119 and 120 in the body of the specification, “correcting” in the context of removing errors from user interface control objects was not found. The prior claims used editing. Correcting is broader than editing, and correcting implies that the prior UI control objects are incorrect whereas editing not only includes correcting errors but also includes subjective changes or any change for any reason.

Should applicant cancel new matter from the claims, any rejection that was previously and that would then be applicable would be reinstated and would not be new grounds of rejection.

Claim Rejections - 35 USC § 112

6. Claim 123 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner found the meats and bounds of the phrase “setting a display” in line 2 of claim 123 to be unclear. Neither is the term “setting” clear in the context of the claim nor has it been defined in the specification.

Claim Rejections - 35 USC § 103

7. Claims 118-142 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodosky et al. ("Kodosky") in view of <http://www.uiml.org/> ("UIML").

As per claim 118, although Kodosky teaches a data processing apparatus comprising a library for storing a plurality of filters and a processor for processing a computer program stored on a computer-readable storage medium wherein the processor executes, by processing the computer program, the step of selecting and loading a plurality of desired filters from the library based on a user instruction (fig. 7; col. 9, lines 32-43; *depicted are library of components that can be selected*), editing/correcting interface control objects by using the plurality of desired filters, wherein the plurality of desired filters are arranged in a sequence based on the user instruction (fig. 22; col. 16, line 61 through col. 17, line 41; *illustrated are the established wiring blocks selected by the user, which represent dependency of adjacent filters*) and generating display data for displaying information of the plurality of desired filters in a display apparatus by interpreting the edited/corrected user interface control objects and parsing of the code (fig. 22; *wherein parsing of the code is inherent in order to create the graphical representation*), Kodosky does not explicitly disclose the objects written in a markup language. UIML teaches UI objects written in a markup language (pages 1-2). It would have been obvious to an artisan at the time of the invention to incorporate the method of UIML with the method of Kodosky so that the process model is 1) human readable, and 2) compatible across systems, i.e. independent of underlying binary represented scheme.

As per claim 119, the modified Kodosky teaches a data processing apparatus wherein, in the correcting step, the processor adds codes of the plurality of desired filters to the user interface control objects in the arranged sequence (Kodosky: Abstract; fig. 22; *each element has an interface component device represented graphically wherein the user interface control provides logic for displaying*).

As per claim 120, the modified Kodosky teaches a data processing apparatus wherein, in the correcting step, the processor changes the codes of a previously added filter when the processor adds the codes of the plurality of desired filters to the user interface control objects (Kodosky: Abstract; fig. 22; *editing the code*).

As per claim 121, the modified Kodosky teaches a data processing apparatus wherein the information of the plurality of desired filters is displayed based on the arranged sequence when the display data is outputted to the display apparatus (Kodosky: fig. 22; col. 16, line 61 through col. 17, line 41).

As per claim 122-124, although the modified Kodosky teaches a data processing apparatus wherein the component of the user interface control object corresponding to at least one of the processing elements defines code for a graphical users interface (Kodosky: fig. 57; *the function/filter, e.g. panel wherein the panel is a GUI customized for taking measurements, can generate interface components; as best as can be determined, the reference teaches setting a display, i.e. establish a display, and since it produces a display, it is interpreted to be setting*), the modified Kodosky does not explicitly disclose enabling the respective window to display buttons, toolbars and data which is input, such as entering text, via the user interface to the processing element.

Official notice is taken that text and toolbars are standard in modern graphical user interfaces. Moreover, text and toolbars are standard components of the user interface so any modern system that generates a user interface as taught by the modified Kodosky would be expected by an artisan at the time of the invention to generate those standard components to enter data.

As per claims 125, 127 and 128, although the modified Kodosky teaches a data processing apparatus comprising a plurality of desired filters from the library based on a user instruction (Kodosky: fig. 7; col. 9, lines 32-43, the modified Kodosky does not explicitly disclose the filter being one of a filter for search data based on a search target inputted by a user, a printer filter for outputting appropriate data for a printer based on a functionality of a printer and a help filter for providing help information. Official Notice is taken that it is well known in the art that software components or subroutines, which are equivalent to a filter, are commonly used to provide search data based on a search target inputted by a user, outputting appropriate data for a printer based on a functionality of a printer and a help information capabilities in software applications. It would have been obvious to an artisan at the time of the invention to incorporate the method of search, print and help capabilities in software applications with the method of the modified Kodosky in order to save time.

As per claim 126, the modified Kodosky teaches a data processing apparatus wherein the plurality of desired filters includes a display filter for displaying input data on the data display area (Kodosky: Abstract; figs. 22 and 57).

As per claim 129, the modified Kodosky teaches a data processing apparatus wherein the markup language is XML (UIML: page 1).

Claims 130 and 142 are individually similar in scope to claim 118 and are therefore rejected under similar rationale.

Claim 131 is similar in scope to claim 119 and is therefore rejected under similar rationale.

Claim 132 is similar in scope to claim 120 and is therefore rejected under similar rationale.

Claim 133 is similar in scope to claim 121 and is therefore rejected under similar rationale.

Claims 134-136 in combination are similar in scope to the combination of claims 122-124 and are therefore rejected under similar rationale.

Claims 137, 139 and 140 in combination are similar in scope to the combination of claims 125, 127 and 128 and are therefore rejected under similar rationale.

Claim 138 is similar in scope to claim 126 and is therefore rejected under similar rationale.

Claim 141 is similar in scope to claim 129 and is therefore rejected under similar rationale.

Response to Arguments

8. Applicant's arguments filed 2/21/07 have been fully considered but they are not persuasive.

Applicant argued the following: the applied references are not seen to disclose or suggest correcting code of user interface control objects written in a markup language by using a selected plurality of desired filters selected and loaded from a library based on a user instruction, wherein the plurality of desired filters are arranged in a sequence based on the user instruction and generating display data for displaying information of the plurality of desired filters in a display apparatus by parsing the corrected code of the user interface control objects.

The examiner disagrees for the following reasons: As referenced above, Kodosky teaches editing/correcting user interface control objects by using a selected plurality of desired filters in a user-desired processing order and generating display data for displaying information of the plurality of desired filters in a display apparatus by interpreting the corrected user interface control objects (figs. 7 and 22; col. 9, lines 32-43; col. 16, line 61 through col. 17, line 41), while UIML teaches UI objects written in a markup language (pages 1-2). Moreover, the plurality of desired filters are arranged in a sequence based on user's selection and parsing of the code is inherent in order to create the graphical representation. In response to the "correcting" portions and is derivatives, such terms were not found in the specification and are, therefore, interpreted as editing or manipulating, especially since "correcting" implies that something is wrong to require fixing.

Furthermore, the Office notes that applicant did not contest the factual assertion set forth under Official Notice in paragraphs six and seven of section eight of the Office Action of 8/9/06.

Inquires

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVN
Patent Examiner
March 29, 2007

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100